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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-third session
1–19 July 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of Austria

General

1. Please provide more details about the preparation of the State party's ninth periodic report (CEDAW/C/AUT/9),[1] including whether the report was adopted by the federal Government and presented to Parliament, and indicate the involvement of the provincial governments and legislatures and non-governmental organizations, in particular women's organizations, in addition to other key actors, such as the senates of the federal Equal Treatment Commission, the Equal Treatment Commissions for the private sector and the Ombud for Equal Treatment.

Definition of discrimination against women

2. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the legal definition of discrimination against women, including direct and indirect discrimination in the private and public spheres, and intersecting forms of discrimination, in line with all relevant provisions covered by the Convention (paras. 19 and 198). Please clarify the legal standards and adequacy of compensation for women who are victims of intersecting forms of discrimination (paras. 19 and 20), in particular women in rural areas, migrant, asylum-seeking and refugee women, women with disabilities and women belonging to other groups in disadvantaged situations.

[1] Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.

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Constitutional, legislative and institutional framework

3. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 11), please provide information on the results of the evaluation conducted in 2016 of the effectiveness of the implementation of the Equal Treatment Act, in particular in relation to protection from discrimination on the basis of gender with regard to access to goods and services ("levelling-up") (paras. 9, 21 and 321–325), and of the Federal Act on the Equal Treatment Commission and the Ombud for Equal Treatment (para. 245). With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 13), please provide detailed information on efforts undertaken by the State party to enhance coordination between the federal State and *Länder* (provinces) and to clarify the respective responsibilities at both levels of government in the implementation of the Convention (paras. 17–18).

4. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 15), please provide detailed information on the key features, as relevant for the implementation of the Convention in all areas, of the national action plan on human rights envisaged by the government programme for the period 2013–2018 (para. 27), in particular in relation to the various sectoral action plans (paras. 152–153, 210, 277, 306, 308 and 331). Please also provide information on the continuation of the national action plan on gender equality in the labour market beyond 2018 (paras. 152–153).

5. Please elaborate on the Cabinet decisions for the implementation of gender mainstreaming, including at the provincial level, and about the rationale behind recipients of public contracts being required to implement measures to promote equality for only six months (para. 239). Please provide examples of results achieved towards the achievement of gender equality through the State party's outcome-oriented budgeting and impact-assessment approach at the federal level (paras. 22, 136 and 243) and provide further information on the "gender budgeting blog" available since 2016 (para. 244). Please indicate whether the *Länder* apply the same approach to gender-responsive budgeting as is done at the federal level. Please elaborate on the stagnation of the budget of the Ministry for Women and Equality since 2011, despite the Committee's previous recommendations to increase budgetary allocations (CEDAW/C/AUT/CO/7-8, para. 17).

Access to justice and legal complaint mechanisms

6. Please provide information on any instances in which the Convention has been invoked by individuals, applied directly or referred to, in court proceedings in the State party and indicate the number, nature and outcome of all cases of discrimination against women, including intersecting forms of discrimination (para. 198), the sanctions applied to perpetrators and the remedies, including compensation, provided to victims (paras. 20 and 271 and annex, table 19). Please provide the outcome of the complaints submitted to the Equal Treatment Commissions (para. 256 and annex, table 17). Please clarify whether the Ombud for Equal Treatment has a mandate to accept complaints relating to all areas covered by the Convention (para. 14). Please also specify how many women have used free legal aid programmes to raise claims of discrimination and describe measures taken to make such services more accessible to women, in particular women in rural areas, migrant, asylum-seeking and refugee women, women with disabilities and women belonging to other groups in disadvantaged situations.

National machinery for the advancement of women

7. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 19), please provide information on any efforts

undertaken by the State party aimed at the Austrian Ombudsman Board obtaining "A" status as fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (para. 26). Please provide information on how the human, financial and technical resources allocated to the office of the Ombud for Equal Treatment (paras. 13–15) align with the extension of the responsibilities of its regional offices in 2017.

Temporary special measures

8. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, paras. 21 and 34–35), please provide information on any temporary special measures, including quotas, taken or envisaged by the State party to accelerate the achievement of substantive equality between women and men leading to gender parity across sectors in all areas covered by the Convention, in addition to the quota of 30 per cent for women in the membership composition of the supervisory boards of public companies and of private companies with more than 1,000 employees (paras. 29, 30–36). Please also provide updated data on women on supervisory and executive boards and in executive management, including of State-affiliated companies (annex, table 8). Please elaborate on efforts to raise awareness about the concept of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the full and equal participation of women in all areas covered by the Convention in which they are disadvantaged or underrepresented, other than those efforts mentioned in the report (paras. 31–33), and the results thereof.

Stereotypes and harmful practices

9. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 23), please provide detailed information on specific strategies to counter stereotypical attitudes and use of gender-insensitive language, which are discriminatory towards women, including with regard to those women and girls who experience intersecting forms of discrimination owing to their age, disability, migrant status or other characteristics, in order to enhance a positive and non-stereotypical portrayal of women. Please provide more information on the criteria and mandate of the equal and diverse science and research landscape (para. 143) and provide information on the results of the activities of the working group on reducing gender stereotypes in tertiary education convened in 2016 (paras. 61 and 147). Please indicate whether targeted programmes to encourage the enhanced sharing of family responsibilities and further diversification of the educational choices of boys and girls exist in all *Länder* (paras. 55–57, 70–75 and 146).

10. Please provide updated information on the measures taken to eliminate stereotypical images and attitudes regarding the roles of women and men in the mass media, in the family and in society and indicate how those efforts are coordinated between the federal level and the *Länder*. Please elaborate on the impact of the Federal Act on Cosmetic Interventions and Treatments of 2013 in preventing and combatting gender stereotypes (para. 76). Please indicate the number of complaints relating to sexist advertising received and investigated by the Anti-Sexism Committee of the Austrian Advertising Council since the issuance of the Committee's previous recommendations and the related sanctions levied against the media (paras. 79–81). Please clarify the mandate and provide information on the activities of the advertising watch groups (paras. 80 and 265).

11. Please provide information, including detailed statistics, on legal and medical standards following best practices in relation to medical and surgical treatment of

intersex persons, on investigations into incidents of involuntary sterilization or unnecessary and irreversible surgical or other medical treatment, very often done without the informed consent of the patient, and on existing remedies to the victims of such treatment, including adequate compensation. Please also indicate how many persons have registered as a third gender, following its legal recognition by the Constitutional Court in June 2018.

Violence against women

12. In the light of the ratification by the State party of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), please elaborate on the status, scope and content of the national action plan on the protection of women against violence (paras. 308 and 331), including in relation to domestic violence, female genital mutilation and child or forced marriages, in particular those involving girls. Please provide information on whether the Istanbul Convention has been incorporated into national law and whether the mechanisms identified or established to monitor its implementation have been allocated adequate human, financial and technical resources for its implementation (paras. 84–85). In line with the State party's obligations under the Convention, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking in persons and sexual and other types of exploitation, please provide an update to the Committee on any additional steps taken to enhance the protection of women (paras. 107–113, 308–310 and 331–332), including by increasing access to specialized services for victims of sexual and gender-based violence, including women from ethnic minority groups, migrant, asylum-seeking and refugee women and women with disabilities. In the light of the concern expressed by the Committee in its previous recommendations (CEDAW/C/AUT/CO/7-8, para. 24), please clarify whether the number and geographical coverage of shelters, including in the *Länder*, have indeed been increased and expanded and staffed with adequate and appropriately trained legal, social services, psychological and other medical personnel (para. 100). Please provide information on the criminal investigations in the State party into allegations of torture committed in the Syrian Arab Republic, including of women, and on measures to ensure that perpetrators are held to account for such grave violations of women's rights.

Trafficking and exploitation of prostitution

13. Please provide information on the scope and content of the fourth national action plan on combating human trafficking for the period 2015–2017 and on the impact of its implementation and indicate whether the State party has adopted or plans to adopt a new action plan (para. 277). Please elaborate on the assistance and services provided to women who are victims of trafficking, including the human, financial and technical resources allocated (para. 273), whether services have been established in all *Länder* and how effective coordination is ensured nationwide. Please provide information on the results of initiatives taken to enhance transnational coordination and cooperation to combat trafficking in women, including the outcome of investigations, including bilateral investigations, carried out (paras. 279–281). Please also provide information on the requirements for acquiring residence status for women and girls who are victims of trafficking, pursuant to the Settlement and Residence Act and the Asylum Act, in particular whether the granting of residence, including temporary residence, is dependent upon conditions such as cooperation with law enforcement authorities or in criminal proceedings (paras. 86–87). In addition, please elaborate on the support mechanisms available for women who are victims of labour exploitation (paras. 274–275).

14. Please provide information on the applicable legal and policy framework and on measures currently in place to prevent the exploitation of women and girls in prostitution. Please elaborate on the legal requirements for the medical examinations of sex workers introduced by the State party in 2016 (para. 122), in particular whether the new provisions removed the condition of mandatory health tests for sex workers, as previously recommended by the Committee (CEDAW/C/AUT/CO/7-8, para. 29). Please also indicate whether measures exist, including in all *Länder*, to support women who wish to exit prostitution and pursue alternative means of livelihood (paras. 276 and 282–284). In addition, please provide information on the recommendations of the working group on prostitution, presented to the federal Government, on how to improve the living and working conditions of sex workers, whether the recommendations have been followed up on and, if so, in what ways (para. 278).

Participation in political and public life

15. In the light of the information provided in the report (paras. 43–46 and annex, tables 9–10), that women comprise only 7.2 per cent of mayors, that the percentage of women federal ministers has fallen to 21 per cent and that the percentage of women currently represented in the National Council and the Federal Council has stagnated at 31 per cent, with similar average percentages of the representation of women in the provincial governments and parliaments, and with reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 31), please elaborate on the specific measures taken to accelerate and increase the representation of women in political and public life, in particular in the provincial parliaments and public service (para. 263), academic institutions (paras. 37–40 and annex, table 16), the diplomatic service (paras. 126–128 and annex, table 6) and in leadership positions in sports associations (paras.129–134 and annex, table 7). Please indicate whether the State party has established benchmarks and specific timetables to achieve those goals. Please also indicate whether the voluntary gender quotas for nominations in elections introduced by three political parties have produced the intended results, whether those quotas also apply at the provincial and municipal levels and whether the other three parties represented in the National Council have any plans to introduce gender quotas (para. 46). Please provide data on the representation of women in the judiciary.

Women and peace and security

16. Please provide details about the eighth annual report of the action plan to implement Security Council resolution 1325 (2000) on women and peace and security, submitted in 2017, and updated information pertaining to the promotion of the inclusion of women in peace processes, the strengthening of preventive measures against violence against women and the increased participation of women in international peace missions, in accordance with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

Education

17. Please provide information on training programmes to raise gender and diversity competence among schoolteachers, undertaken since 2016, including in the *Länder* (paras. 58–59, 62–65, 136, 139, 141 and 214). With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 33 (f)), and in the light of the information before the Committee that the risk of school dropout among migrant girls is almost three times higher than the average, please indicate whether the study on the root causes of the high rate of school dropout among migrant girls

has been carried out since the time of submission of the report of the State party and, if it has been conducted, please provide information on the results (para. 148).

Employment and economic empowerment

18. Please provide updated information, including statistics, on the unemployment rate among women, women in precarious work, including women working part-time, and migrant women and indicate the unemployment rate among women in rural areas and women with disabilities (paras. 295–297 and annex, table 1). In view of the persisting gender pay gap (para. 164 and annex, table 2), please elaborate on measures taken to combat pay discrimination in the State party, in particular measures other than those predating the previous recommendations of the Committee (paras. 165 and 167). Please elaborate on the reasons why the requirement to present income reports to enhance salary transparency has not been extended to enterprises with less than 150 employees (paras. 165 and 174), as previously recommended by the Committee (CEDAW/C/AUT/CO/7-8, para. 35 (d)). Please inform the Committee about the results of the study related to job advertisement and income reports conducted in 2015 (para. 166). Please indicate whether there are any plans to introduce a legal right to paid paternity leave in the private sector (para. 50).

19. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 37 (a)) and to table 2 contained in the annex to the report of the State party, please elaborate on any economic improvements for women resulting from the tax reform undertaken in 2015 (paras. 317–319) and the amendments to the Social Security Act, in effect from 2017, introducing a higher standard rate for compensatory agreements for pension recipients with long-term employment (para. 176) and extending the period for receiving requests for transferral of pension claims under the pension splitting scheme (para. 177). Please indicate any steps taken to address the higher risk of poverty and exclusion among women, in particular with regard to single mothers and their children (paras. 315 and 316 and annex, tables 3 and 4), migrant, asylum-seeking and refugee women, women with disabilities and women belonging to other groups in disadvantaged situations.

Health

20. Please elaborate on the 40 focus areas of the action plan on women's health (para. 306). Please provide information about the prevalence of HIV/AIDS among women in the State party and the measures taken to address the issue. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 39), please inform the Committee whether a study on the impact of the economic crisis, austerity measures and privatizations on women's health has been carried out since the submission of the report of the State party (para. 187) and, if it has been conducted, please provide information on its results. Please elaborate on potential gender barriers to access to the health-care system, including to sexual and reproductive health care and mental health care, in particular for women in rural areas, migrant, asylum-seeking and refugee women, women with disabilities and women belonging to other groups in disadvantaged situations.

Marriage and family relations

21. Please provide information on the judgment rendered by the Constitutional Court in 2017 repealing the legal provisions that denied same-sex couples the right to marry and on progress made regarding its implementation. Please elaborate on efforts to remove the remaining differential provisions for lesbian, bisexual and transgender women and intersex persons living in registered partnerships, denying them the same rights afforded to other couples, including in relation to childcare allowances for

mothers, maintenance and distribution of property and assets upon dissolution of the relationship (paras. 218 and 330).

22. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 51), please explain the absence of a database on forced marriages (para. 219) and provide information, including statistics, on the emergency shelters available for girls and women who are at risk of forced marriage (para. 220) and on legal proceedings, following the reclassification of forced marriage as a standalone criminal offence in 2016 (paras. 221–223). With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 53), please inform the Committee whether a study on the socioeconomic impact of the State party's divorce regime on women has been carried out since the submission of the report of the State party (para. 225) and, if one has been conducted, please provide information on its findings.

Data collection

23. Please provide comprehensive statistical data, including data disaggregated by sex, age and ethnicity, and additional relevant information regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's recommendations since the submission of the report of the State party aimed at supporting policymaking and programme development and measuring progress towards the promotion of substantive equality between women and men. Please note that, further to the issues raised herein, the State party is expected to respond to additional questions posed during the dialogue relating to areas covered by the Convention.